

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Methods to Target and Eliminate Unlawful Robocalls)	CG Docket No. 17-59
)	
Call Authentication Trust Anchor)	WC Docket No. 17-97

COMMENTS OF NUMERACLE, INC

Numeracle, Inc. (“Numeracle”) hereby files comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking in CG Docket No. 17-59.¹ Numeracle supports the Commission’s efforts to eliminate illegal and unwanted robocalls while preserving the voice channel for wanted and critical communications, but encourages the Commission to define a path to have all calls accurately identified and authenticated from origination to termination so customers have the correct information when they determine whether to answer an incoming call. Right now, the carriers and analytics engines are failing at that job.

Simply put, the analytics entities employed by the carriers are not reliable enough on their own to justify blocking and labeling calls that in many circumstances are legal and wanted. The Commission must require carriers and their analytics partners work with legal callers to establish a mechanism to ensure that all legal calls—including the critical calls upon

¹ *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, CG Docket No. 17-59, released June 7, 2019

which the Commission seeks comment—reach their intended recipients. The Commission can do that by making sure that working with legal callers and providing a redress mechanism for improper labeling and blocking is an essential element of the “reasonable analytics” the Commission has required to justify blocking.

I. Protection and Identification of Critical and Legal Calls

While Numeracle appreciates the support of the Commission to recognize the need and request of carriers and their analytics partners to preserve the delivery of critical calls, Numeracle urges the Commission to ensure that all legal calls are delivered.

Numeracle recommends the Commission define critical calls to extend beyond just those originated by PSAPs and similar entities. Numeracle has provided the Commission with examples of critical calls being labeled as scam or spam by the analytics providers, and these inaccurate labels and blocking are causing immediate harm to citizens today.² In assisting with registering these critical and legal calls with the carriers, it has been Numeracle’s experience that carriers defer to their analytics partners to manage requests from legal callers to label their calls accurately.

Numeracle serves as the only caller vetting service with a strong “Know Your Customer” certification process requiring entities to expose details about their organization and executives before registering their numbers with carriers’ analytics partners. To assist the carriers in their access to this data to protect not only critical but all legal calls, Numeracle partnered with

² Numeracle and Appriss Ex Parte, CG Docket 17-59, available at: <https://ecfsapi.fcc.gov/file/10530193220084/Littman%20and%20Nakazawa%20Ex%20Parte%20Numeracle%20and%20Appriss.pdf>

NetNumber to make this data accessible to carriers at no cost, to ensure they are not blocking legal calls.³

The ability for vetted legal entities to register numbers is a necessary first step in protecting legal calls, but it should be integrated with SHAKEN/STIR. During the FCC's Robocall Summit on July 11, 2019, multiple carriers mentioned the proposal of delegated certificates. Using delegated certificates in conjunction with SHAKEN/STIR not only provides protected identity header information regarding the entity behind the call, it also creates a secure way to prevent critical calls numbers from being spoofed. Numeracle requests the Commission require carriers to preserve SHAKEN/STIR identity header information from being manipulated or stripped from calls that have been signed by upstream carriers.

II. The Commission Should Create a Safe Harbor

Numeracle proposes that the Commission provide a safe harbor for carriers that use reasonable analytics if those analytics include protections and redress for critical and legal calls. Numeracle has provided examples of the disparity of analytics data across the top tiered carriers' analytics to demonstrate how analytics alone is not reasonable for consumers or legal callers.⁴

The Commission has proposed a safe harbor for calls that fail SHAKEN/STIR verification. Being that illegal callers can and will originate certified and fully attested calls, Numeracle cautions the Commission on making such a narrow safe harbor based solely on

³ See Article, Numeracle™ and NetNumber Partner to Provide a Comprehensive Trusted Entity Registry to Identify Call Originators, available at: <https://www.prnewswire.com/news-releases/numeracle-and-netnumber-partner-to-provide-a-comprehensive-trusted-entity-registry-to-identify-call-originators-300886957.html>

⁴ See Ex Parte Letter from Rebekah Johnson, CEO, Numeracle, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, at 2-4 (May 24, 2019), available at <https://ecfsapi.fcc.gov/file/105242294603296/Numeracle%20Ex%20Parte.pdf>

SHAKEN/STIR verification. There will be instances where carriers need the flexibility to block SHAKEN/STIR verified calls where reasonable analytics has identified fraudulent activity. In order to block verified numbers, the safe harbor should be limited to carriers that adhere to the following requirements:

- 1) Implement SHAKEN/STIR for originating calls, preserve the integrity of signed calls through their networks, and use SHAKEN/STIR verification services upon termination as a contributing input to reasonable analytics.
- 2) Establish a process or utilize existing third-party legal entity vetting providers, such as Numeracle, to associate the vetted identity with a number to prevent blocking of critical and legal calls. This process should include a process for improper labeling to remove fraud or scam labels associated with the vetted number.
- 3) Actively participate in industry traceback efforts to assist law enforcement.

The need of carriers to choose solutions meeting their customers' needs should not be limited by the Commission in crafting the safe harbor requirements.

III. FCC Should Create a Mechanism to Measure Effectiveness of Robocall Solutions

The effectiveness of robocall solutions has largely been measured thus far by quantifying how many calls are identified as illegal or unwanted as determined by the analytics engine performing the analysis.⁵ Numeracle has submitted examples of legal and wanted calls labeled

⁵ See, e.g., First Orion Corp., Report Summary: Scam Call Trends and Projections Report, (Sept. 12, 2018), available at [https://ecfsapi.fcc.gov/file/109272058817712/FirstOrion_Scam_Trends_Report_FINAL%20\(002\)%20\(002\).pdf](https://ecfsapi.fcc.gov/file/109272058817712/FirstOrion_Scam_Trends_Report_FINAL%20(002)%20(002).pdf), Hiya, State of the Phone Call, available at https://assets.hiya.com/public/pdf/StateOfThePhoneCall.pdf?_ga=2.132648398.1388418538.1563986607-160047311.1558549102

incorrectly.⁶ Numeracle is not advocating for the removal of analytics as they serve a valuable contribution to the overall approach of combating illegal and unwanted calls, but there is an element missing in assessing the effectiveness of solutions the Commission requires to measure success for consumers.

The Commission has yet to define legal, illegal, wanted or unwanted despite requests by industry associations⁷ and voice service providers. The closest the FCC has come to providing guidance is to quote some of the applicable laws and rules that rely on consent and content to determine illegal versus legal. Voice service providers simply cannot know whether a customer consented to receive a call, and carriers likewise do not know with any certainty the content of the calls that traverse their networks.⁸

In the FCC's Declaratory Ruling and Third Further Notice of Proposed Rulemaking, the Commission acknowledged the analytics solutions do not "generally differentiate between legal and illegal calls, wanted and unwanted, but they do offer some description of the calls."⁹ Even

⁶ See Ex Parte Letter from Rebekah Johnson, CEO, Numeracle, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, at 2-4 (May 30, 2019), *available at* <https://ecfsapi.fcc.gov/file/10530193220084/Littman%20and%20Nakazawa%20Ex%20Parte%20Numeracle%20and%20Appriss.pdf>

⁷ Professional Association for Customer Engagement Letter, CG Docket No. 17-59 (May 30, 2019) [https://ecfsapi.fcc.gov/file/1053133310269/PACE%20Ltr%20to%20Commission%20Staff%20\(05-30-19\)%20\(final\).pdf](https://ecfsapi.fcc.gov/file/1053133310269/PACE%20Ltr%20to%20Commission%20Staff%20(05-30-19)%20(final).pdf)

⁸ Sprint Comments, CG Docket No. 17-59 (July 3, 2017), *available at*: <https://ecfsapi.fcc.gov/file/10630203670739/Sprint%20Robocalling%20Comments.pdf>; Verizon Comments, CG Docket No. 02-278 & WC Docket No. 07-135 (January 23, 2015), see 3 and 9, *available at*: <http://apps.fcc.gov/ecfs/document/view?id=60001016099>; AT&T Comments, CG Docket No. 17-59 (September 24, 2018) see 7, *available at*: <https://ecfsapi.fcc.gov/file/10924398519486/9.24.2018%20Robocall%20Record%20Refresh%20Comments.pdf>

⁹ Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor, CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking. FCC 19-51 (June 7, 2019) (Order and FNPRM) at para 9.

with the deployment of SHAKEN/STIR, voice service providers will not be able to determine the legality of a call.¹⁰ SHAKEN/STIR simply provides the identity of the originating carrier and whether that carrier claims to know whether their customer has the rights to use the telephone number that it signals.

Instead of focusing on measuring effectiveness, Numeracle recommends that the Commission require sound processes based on reasonable analytics as described above. Numeracle's submissions in this docket show that the analytics engines are making mistake after mistake, and legal, wanted calls are not getting through to their intended recipients.

IV. Conclusion

Numeracle supports the Commission's actions to address the scourge of illegal robocalls. Numeracle will continue to work with the Commission and the industry to reduce illegal and unwanted calls while preserving the use of the voice channel for critical and legal calls.

Respectfully submitted,

NUMERACLE, INC.

A handwritten signature in black ink, appearing to read "Rebekah Johnson", with a long horizontal flourish extending to the right.

Rebekah Johnson, CEO
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July 24, 2019

¹⁰ Chris Wendt, Co-Chair IP-NNI Joint Task Force and Co-Chair STI-GA Technical Committee, FCC Robocall Summit, July 11, 2019 available at <https://www.fcc.gov/SHAKENSTIRSummit>